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February 24, 2022

**Via ECF**

Honorable Analisa Torres  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: Tokio Marine Nawa Insurance Co., Ltd. v. Orient Express Container Co.,  
Ltd., 21-CV-09194-AT  
Related case to MSIG Mingtai Insurance Co., Ltd. V. Danmar Lines, Ltd.,  
21-cv-07994**

Dear Judge Torres:

We are attorneys for the defendant Orient Express Container Co., Ltd. in the above cited matter. We also represent the Non-Vessel Operating Common Carriers (NVOCCs) in the related cases identified below which are also pending before your Honor. We write today to respectfully request a pre-motion conference in accordance with your Honor's Individual Rules III.A.

As this Court may be aware, our offices along with Flynn, Wise and Delich filed a Motion for Transfer of all actions arising out of the November 30, 2020, ONE APUS incident pursuant to 28 U.S.C. §1407 for Coordination or Consolidation of Pretrial Proceedings. (We understand that the motion has been sent to the Court by the JPML but we attach a copy of the Memorandum in Support for easy reference). In the motion, we asked the Judicial Panel for Multi District Litigation ("JPML") to transfer the approximately 50 pending actions to your Honor for coordination or consolidation of all pretrial proceedings. Presently, we understand that 15 of these 50 cases are already before your Honor.

The JPML has issued a scheduling order for the submission of Appearances and Corporate Disclosure Statements (February 24, 2022), Responses to the Motion (March 3, 2022) and Replies (March 10, 2022). While this Motion is pending, the undersigned wish to stay the further prosecution of all the cases until the related cases are transferred here.

However, there remains one issue which cannot await the decision of the JPML and about which a stay could prejudice the parties. The vessel ONE APUS is presently scheduled to call in port of Bayonne, New Jersey, on or about March 16, 2022. Many of the NVOCC Defendants have filed Third Party Complaints against, among others, the vessel *in rem*. In order to properly effect service on the vessel, it must be within the jurisdiction of this Honorable Court, which will be for only a brief period while the ONE APUS is at anchor waiting to berth in Bayonne. If the cases are

stayed without some reservation to allow for service on the vessel, the opportunity to effect service may be lost. There is no information publicly available that the vessel will return to the NY-NJ port area after this voyage, or to the United States for that matter.

Thus, we respectfully request that the court schedule a pre-motion conference at the Court's earliest convenience for all the related cases to discuss the need for a formal Motion to Stay pending the JPML Court's disposition of the Motion to Transfer, and the possibility of carving out of that order the service of process on the Vessel.

For the Court's information, a copy of this letter was previously circulated to counsel for each of the parties to the actions pending before your Honor. Some parties have consented to the relief requested herein, while others have raised the possibility of additional carve-outs from the proposed stay. Also, certain counsel are awaiting responses from their clients. To date, no one has voiced an outright objection.

We appreciate the Court's indulgence in this request and stand ready to address any questions the Court might have in the interim.

By **March 11, 2022**, Defendant shall file a letter outlining the positions of all other parties to the requested stay, including all requested carve-outs. The letter shall also outline any deadlines that would be stayed should the Court grant Defendant's request.

The Clerk of Court is direct to terminate the motions at ECF Nos. 12 and 22.

SO ORDERED.

Dated: February 25, 2022  
New York, New York



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ANALISA TORRES  
United States District Judge